

JEN POEHLMANN 4/2/14

VERMONT CHILDREN'S ALLIANCE

PO Box 254 • Richmond, VT 05477



**Child First
Advocacy Center of
Rutland County**

**The Chittenden
Advocacy Center
at CUSI**

**The Child Advocacy
Center at The
Family Place/
Windsor County
Unit for Special
Investigations**

**Windham County
Safe Place
CAC/SUSI**

**Northwest Unit for
Special Investigations/
Child Advocacy Center**

**Bennington County
Child Advocacy Center and
Special Investigations Unit**

**OUR House of
Central Vermont**

**The Child Advocacy Center
at the Springfield Area
Parent Child Center**

**Caledonia Special
Investigations Unit, Inc.**

**The Orleans County
Child Advocacy Center**

**The Orange County
Special Investigations Unit**

**Addison County Unit
Special Investigations, Inc.**

To: Senator Ayer, Senator Sears, Senator Cummings, Senator Flory, Senator French, Senator Kitchell and Senator Mullin
Cc: Legislative Counsel
From: Jennifer Poehlmann, Esq., Alyssa Todd, MS, MSW and Jonathan Griffus, Detective Brattleboro Police Department, on behalf of the Vermont Children's Alliance
Re: Responding to Cases of Child Physical Abuse
Date: April 2, 2014

Dear Senators,

In support of testimony offered on behalf of Vermont's Child Advocacy Centers and Special Investigation Units, we wish to highlight the following recommendations for improving Vermont's response to allegations of physical abuse against children for your records:

- Adoption of a child endangerment law that would allow for caregivers to be held accountable for serious injuries to a child that have been ruled non-accidental but do not require proof of intent beyond a reasonable doubt to convict;
- Expansion of criminal rules of evidence 804a and 807 to include child victims of physical abuse/assault;
- Treatment programming for offenders specific to child abuse;
- Alteration of the Family Court system time frames pre-merits hearing to allow investigators to fully assess risk posed by non-offending caretaker's inaction and failure to protect child(ren) before returning child to the home;
- Increase resources for training in-state, specifically training for medical providers, as many communities do not have local providers with experience in identification of child abuse.

Thank you again for your sincere commitment to improving our response to children who have been physically abused.



VERMONT CHILDREN'S ALLIANCE

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Child First
Advocacy Center of
Rutland County

January 8, 2014

The Chittenden
Advocacy Center
at CUSI

Jerome F. O'Neill, Chair
Committee on the Vermont Rules of Evidence
O'Neill Kellner & Green
84 Pine Street, Fourth Floor
P.O. Box 5359
Burlington, VT 05402-5359

The Child Advocacy
Center at The
Family Place/
Windsor County
Unit for Special
Investigations

Re: Modifications to Rules 804a and 807 to Protect Children in
Domestic Violence Cases

Windham County
Safe Place
CAC/SUSI

Dear Chairman O'Neill:

Northwest Unit for
Special Investigations/
Child Advocacy Center

I am writing on behalf of the Vermont Children's Alliance, to express our support of the request to amend Vermont Rules of Evidence 804a and 807; the requested amendments would add protections to children who are victims of physical abuse and/or witness to domestic assault, rather than limiting those protections only to children who are victims of sexual abuse.

Bennington County
Child Advocacy Center and
Special Investigations Unit

The Rules at Issue

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We understand that Rule 804a permits a judge, upon finding that the offered statement is reliable, to admit into evidence the child's pre-arraignment disclosures about the sexual abuse, including the child's forensic interview, if the child was age twelve or under at the time the statement was made. As a result, children who are protected by this rule do not have to "re-tell" their story in court and, instead, only have to respond to questions on cross-examination. This rule, however, only applies to children who are victims in sexual abuse cases.

The Child Advocacy Center
at the Springfield Area
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The Orleans County
Child Advocacy Center

We understand that Rule 807 permits a judge to allow children 12 or under who are victims of sexual crimes to testify outside the courtroom if the judge makes a finding that, "requiring the child . . . to testify in court will present a substantial risk of trauma to the child .

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Special Investigations Unit

Addison County Unit
Special Investigations, Inc.

. . . which would substantially impair the ability of the child . . . to testify.”

We also understand that these rules are not new or novel, but have been in place in Vermont to protect children in sexual abuse cases since 1985.

Our Role in This Debate

The Vermont Children’s Alliance is a professional membership organization dedicated to helping local communities respond to allegations of child abuse in ways that are effective and efficient; currently we our membership consists of 12 child advocacy centers located throughout our state. Children’s Advocacy Centers are child-focused programs in which representatives from many disciplines, including law enforcement, child protection, prosecution, mental health, medical and victim advocacy, and child advocacy, work together to conduct interviews and make team decisions about investigation, treatment, management and prosecution of child abuse cases. Generally a child advocacy center is a neutral area and is designed specifically to create a feeling of safety and security for the children involved.

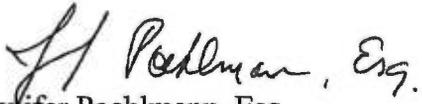
To be clear, being child-centered does not mean we do not share concerns about objectivity, neutrality and fairness to one who may be accused; rather our interest in those objectives is borne out in the accreditation standards our program must adhere to – most notably in those governing forensic interviewing. In order to be an accredited program we must conform to the following guidelines governing forensic interviews. “Quality interviewing involves: an appropriate, neutral setting; effective communication among multi-disciplinary team members; employment of legally sound interviewing techniques; and the selection, training and supervision of interviewers. The purpose of a forensic interview in a Children’s Advocacy Center is to obtain a statement from a child, in a developmentally and culturally sensitive, unbiased and fact-finding manner that will support accurate and fair decision making by the involved multidisciplinary team in the criminal justice and child protection systems.”

We believe that it is imperative to extend the protections that have been offered to children in sexual abuses cases since 1985, to children who are allegedly victims of physical abuse or witness to domestic violence. The potential life-altering consequences of experiencing and/or witnessing abuse are past debate and a recitation of the literature and evidence outside the scope of this letter; needless to say should the Committee be interested in learning more we are happy to provide this information in the manner most helpful to the Committee's deliberations.

Recognizing the traumatic impact involvement in the justice system can have on a child and putting procedures in place to mitigate that impact need not equate with a denial of due process or biased outcomes. This is a guiding principal of our work and should the requested changes be implemented, we are committed to expanding access to on-going training and peer review and support for additional forensic interviewers.

We appreciate your consideration of the requested changes and hope you will contact us if you have additional questions.

Sincerely,


Jennifer Poehlmann, Esq.
Executive Director